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# NASA Procedural Requirements

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**Subject: Attendance and Leave****Responsible Office: Office of Human Capital Management**[| TOC](#) | [Change Log](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) | [Chapter5](#) | [ALL](#) |

## CHAPTER 3. Administration of Absence and Leave

### 3.1 Annual Leave

#### 3.1.1 Reference

5 CFR Part 630, Subparts A through C.

#### 3.1.2 Crediting Annual Leave.

 Leave credited to employees will be available for use during the leave year, as follows:

##### 3.1.2.1

 Temporary employees will be credited with annual leave as it is earned.

##### 3.1.2.2

 Employees whose current employment is limited to less than 90 days are entitled to annual leave only after being currently employed for a continuous period of 90 days under successive appointments without a break in service.

##### 3.1.2.3

 All other employees will be credited at the beginning of the leave year or their tour of duty with the amount of annual leave accumulated and with the amount they are expected to accrue during the balance of the leave year.

##### 3.1.2.4

 Uncommon tours of duty are as follows:

a. Employees who work 24-hour shifts, or other uncommon tours of duty, will have their leave earnings and charges adjusted by the ratio of their workweek to the regular 40-hour workweek. For example, employees on a 72-hour workweek will accrue leave according to the following schedule:

Years of Service	Annual Leave		Sick Leave
	First 25 Pay Periods	Last Pay Period	Per Pay Period
Up to 3	7	12	7
3 to 15	11	13	7
15 and over	14	4	7

Leave used will be charged based on the same proportion as earned (e.g., an employee working a 72-hour tour will be charged 72 hours for a week's absence).

b. When the employee converts to a different basic workweek, the leave balance will be converted based on the proportion of hours in the new workweek compared to the base hours in the former workweek. Conversion formulas for a 72-hour workweek are established as follows:

(1) When change is from a 40-hour workweek to a 72-hour workweek, NUMBER OF HOURS IN LEAVE BALANCE

X 72/40 = NEW LEAVE BALANCE.

(2) When change is from a 72-hour workweek to a 40-hour workweek, NUMBER OF HOURS IN LEAVE BALANCE  
X 40/72 = NEW LEAVE BALANCE.

c. Other approved uncommon tours of duty will have leave earnings and charges adjusted consistent with the formula outlined above.

d. Leave will be approved/charged in increments of .25 hour.

### 3.1.3 Scheduling Annual Leave

3.1.3.1 Annual leave is considered to be scheduled when it has been requested by the employee and the request has been approved by the supervisor.

3.1.3.2 Employees are responsible for requesting, scheduling, and using annual leave. If an employee does not request leave, or does not use leave that was approved, any resulting forfeiture will be considered to be by the employee's choice. The following is required for requests for annual leave:

a. Be requested in advance, except in unforeseen circumstances, to allow for the careful scheduling of leave and the efficient conduct of work by all employees in the work unit.

b. Be requested as promptly as is reasonable in the case of an unscheduled absence.

3.1.3.3 Supervisors will attempt to ensure the scheduling of leave, including that which an employee otherwise might forfeit, by assisting employees in planning the use of annual leave on a year-round basis.

a. Requests for annual leave shall be approved if it is reasonable in consideration of work and human resources requirements, including consideration of other employees' leave plans and schedules. Leave credited to a probationary (or trial period) employee, that is in advance of the amount earned, will be approved judiciously.

b. When a request for annual leave is denied or approved leave is canceled, an alternative period of time should be scheduled immediately.

## 3.2 Use or Lose Leave

3.2.1. A timely request to take Use or Lose leave will be approved if forfeiture is the only alternative unless the Center Director has determined that there is an exigency of the public business that precludes excusing the employee from duty.

3.2.2. Denial of Use or Lose leave due to an exigency of the public business must be made in writing and will include consideration of such factors as cost, productivity, schedules, safety, health, effect of postponement, and whether other employees, who would not forfeit annual leave, could be assigned to do the work.

3.2.3. Use or Lose leave will be restored for the following reasons:

a. It was forfeited due to an exigency of the public business, documented as described in paragraph 3.2.2, and provided that such leave was requested and approved or denied in writing within the time constraints specified by regulation.

b. Sickness (or injury or any other medical condition for which paid sick leave would be approved) causes the forfeiture of annual leave at the end of a leave year, provided the following conditions are met:

(1) The annual leave was requested and approved or denied in writing within the time constraints specified by regulation (i.e., before the start of the third pay period prior to the end of the leave year (5 CFR Part 630.308).

(2) The sick leave was substantiated properly using the same criteria for sickness at any other time.

(3) The employee was unable to use the annual leave after the sickness but before the end of the leave year. If an exigency of the public business prevented the subsequent use of the annual leave, the procedure for denial of leave, as stated in paragraph 3.2.2, must have been followed.

3.2.3.1. An administrative error caused the forfeiture of the leave. An administrative error includes the commission or omission of an action that is in violation of law, regulations, or nondiscretionary Agency policy and includes failure to put into effect a decision that has been made properly. When annual leave is restored due to an administrative error, the reasons for the error and corrective actions, if any, that should be taken to prevent a recurrence, must be identified. The record must substantiate the amount of annual leave to be restored. If official records are not available, an estimate of the employee's leave account is acceptable when accompanied by official statements reflecting clearly the factors that form the basis for the estimate.

3.2.3.2. Documentation for the restoration of Use or Lose leave will include the following:

a. Management's approval of the restoration of the leave.

- b. The date the leave was restored for use.
- c. The amount of leave restored.
- d. The specific schedule for use of the leave in the account; e.g., the time period during which the leave must be used in accordance with applicable laws and regulations. At a minimum, the schedule should identify the number of hours to be taken per month during the period of availability of the leave.
- e. The usage and balance.

### 3.3 Sick Leave

#### 3.3.1 Crediting and Granting Sick Leave

3.3.1.1 All employees otherwise eligible to accrue leave as defined in 5 CFR 630.401, including temporary employees, will be credited with sick leave, which then becomes available for use at the beginning of each pay period during which it will be earned.

3.3.1.2 Employees who work 24-hour shifts or other uncommon tours of duty will have their sick leave earnings and charges adjusted in accordance with paragraph 3.1.2.3.

3.3.2 Notification of Absence. An employee who is absent due to sickness will notify his or her supervisor or other appropriate person as early as practicable on the first day of such absence, or as soon as possible thereafter.

3.3.3 Supporting Evidence. Notification of a requirement to provide additional supporting evidence beyond the employee's own certification should be given to the employee in advance.

3.3.4 Advance of Sick Leave. A proper request for an advance of sick leave will be approved without regard to the amount of annual leave an employee may have. This advance of sick leave may be used only for the illness or injury identified and for the time period approved.

3.3.5 Leave will be granted in increments of .25 hour.

### 3.4 Leave for Family Responsibilities

3.4.1. In accordance with applicable laws and regulations, annual leave, sick leave, and/or leave without pay may be approved for various types of family responsibilities.

3.4.2. Approval of leave to care for children or attend to other family responsibilities will be equally flexible for male and female employees. Special effort should be made to accommodate requests for leave on compassionate grounds, depending upon the urgency of the employees' circumstances and as long as the absence does not interfere with mission accomplishment.

3.4.3. Leave requested by eligible employees under provisions of 5 U.S.C., Chapter 63, Subchapter V (Family and Medical Leave), must be granted as an entitlement, without regard to any other leave usage by the employee for the same or other circumstances.

### 3.5 Military Leave

3.5.1 An eligible employee will be granted any military leave available whenever ordered to active duty. Military leave will be charged on an hourly basis. The minimum charge to military leave is one hour. Military leave will be charged only for the hours the employee would have worked and received pay.

3.5.1.1 Fifteen Days Military Leave Entitlement. This time is provided for employees per fiscal year for active duty, active duty training, and inactive duty training. Employees can carry over a maximum of 15 days into the next fiscal year. When employees use their 15 days (or 30 days if they have a carryover), they earn their full military pay in addition to the civilian pay that they earn while in a military leave status.

3.5.1.2 Twenty-two Days Military Leave Entitlement. P.L. 108-136, amended 5 U.S.C. 6323(b) and provides expanded application of this military entitlement for those employees who perform full-time military services as a result of a call or order to active duty in support of a contingency operation, to 22 days of military leave each calendar year. This time is in addition to the 15 days entitlement. There are two conditions under which employees are entitled to the additional 22 days:

- a. Reservists or National Guard members who perform military duty in support of civil authorities in the protection of life and property.
- b. Employees who perform full-time military service as a result of a call or order to active duty in support of a contingency operation.

Any military pay received by an individual in a military leave status under 5 U.S.C. 6323(b) must be credited against any Federal civilian pay the employee receives during these 22 days of military leave. The employee is entitled only to that part of his or her civilian pay that exceeds the amount of military pay received during that period.

3.5.2 If an employee is not entitled to, does not request, or has exhausted his or her military leave, the employee will be granted annual leave or leave without pay (LWOP), as requested, for performance of active or inactive duty, except in those cases in which the Agency chooses the option of furloughing the employee.

3.5.3 Requests for military leave must be supported by a copy of the military orders. The employee will submit a certification by the appropriate military officer as evidence that the active duty was performed in accordance with Center process. When the certification is not submitted, the absence will be charged either to annual leave or LWOP when annual leave is not available.

## 3.6 Court Leave

3.6.1 Excused Absence from Jury Duty. Only in exceptional situations in which the public interest would be served better by the employee being at their job (e.g., where the services of the employee are absolutely necessary), will a NASA Center request release of an employee from jury duty. In such cases, the Center Director shall submit a letter to the court that has ordered the employee to report for jury duty explaining the facts and requesting that the employee be released from jury duty.

3.6.2 Certificate of Attendance. A properly executed certificate of attendance from the clerk of the court, or other appropriate court official, will be submitted to the supervisor by the employee upon return from court leave. When the certificate is not submitted, the absence will be charged either to annual leave or to LWOP when annual leave is not available.

3.6.3 Uncommon Tours of Duty. Absences of employees who are assigned to a 24-hour shift and who are called to jury duty or witness service, which qualifies for excused absence, will be processed as follows:

- a. When the employee is absent for the entire 24-hour shift because jury duty or witness service coincides with the employee's duty hours, court leave will be granted for the total 24-hour shift.
- b. When the employee serves on jury duty or witness service, the 8-hour duty portion of the 24-hour shift, and also has jury duty or witness service during the remaining hours of the 24-hour shift, court leave will be granted on the day following the jury duty or witness service.

## 3.7 Excused Absences

3.7.1 Travel after Midnight. Employees who are required to perform official travel and who arrive at their residences after midnight may be excused, in accordance with the Center's provisions, for a reasonable length of time before reporting for duty, but not in excess of eight hours. Where applicable, supervisors should consider authorizing use of compensatory time for travel.

### 3.7.2 Medical Examination or Treatment

3.7.2.1 NASA Health Programs. When health examinations are conducted by NASA Centers, employees will be excused without charge to leave for the purposes of the examination. This provision is also applicable to sick calls and preventive medical programs at the NASA health clinics and initial referrals and subsequent visits allowed under the Center's Employee Assistance Program (EAP) policy to the NASA EAP.

3.7.2.2 Job-Related Illnesses and Injuries. An employee suffering a job-related illness or injury will not be charged leave of any kind for any required absence from duty on the day on which the illness or injury occurs. Any diagnostic examinations or tests of job-related conditions, which are authorized and scheduled by Federal medical officers, will be considered official work time with no charge to leave. If further absence from work is necessary for treatment or recovery, pay continuation (as provided for in the Office of Workers' Compensation Programs (OWCP) regulations at [http://www.dol.gov/esa/owcp\\_org.htm](http://www.dol.gov/esa/owcp_org.htm)) or sick leave, annual leave, or LWOP will be authorized.

### 3.7.2.3 Physical Examinations Related to Military Service

- a. An employee shall be excused without charge to leave or loss of pay for the time required for a physical examination before induction into or recall to active duty in the armed forces.
- b. If the employee is required to be absent more than one workday, the employee must obtain a justifying statement from the examining station.
- c. An employee required to report for periodic physical examinations for any Reserve component of the armed forces or in the National or State Guard organizations will be granted sick leave for the period of the physical examination. If the employee does not have sick leave, either annual leave or LWOP will be granted.

3.7.3 Registration and Voting. At appropriate times, Centers are responsible for the following:

- a. Communicate to employees the options that are available in regulations for excused absences for registration and voting.
- b. Assemble and maintain necessary information about hours during which polls are open in all political subdivisions in which their employees reside.
- c. Determine the amount of excused leave that may be granted.
- d. Notify employees of the determinations made and the local procedures to be followed.

**3.7.4 Holidays for Part-Time Employees.** Part-time employees are not, as a matter of right, entitled to compensation for days observed as holidays in lieu of actual holidays. NASA Centers will grant excused absence to part-time employees, without charge to leave, for the in lieu of holiday of full-time employees to the extent such days fall within the regularly scheduled workweeks of the part-time employees, unless work load dictates that their presence is necessary.

**3.7.5 Other Excused Absences.** Consistent with the decisions of the Comptroller General and the Office of Personnel Management, Center Directors or their designees may determine administratively other situations in which employees may be excused from duty without charge to leave.

### **3.8 Leave Without Pay**

**3.8.1.** As a basic condition to approval of extended LWOP, there should be reasonable expectation that the employee will return at the end of the approved period. In addition, it should be apparent that at least one of the following benefits would result:

- a. Increased job ability.
- b. Protection or improvement of employee's health.
- c. Retention of a desirable employee.
- d. Furtherance of a program of interest to the Government.

**3.8.2** Employees seeking advanced degrees or accepting full-time faculty and staff positions with institutions of higher learning may be granted LWOP for one year, renewable to a total of three years.

**3.8.3** When an absence will exceed one year, the reasons must be reviewed carefully before an extension is authorized.

**3.8.4** LWOP is normally not granted when earned annual or sick leave is available. However, if an employee requests leave under the Family Medical Leave Act, their annual leave account cannot be a factor in granting the LWOP request.

### **3.9 Brief Periods of Absence or Tardiness**

Unavoidable or necessary absence of less than one hour, or tardiness, may be excused; time equal to time of absence may be worked at the end of the same day with supervisory approval; charged to available compensatory time or annual leave; or if leave is not available, charged to LWOP. If the leave charged exceeds the period of absence or tardiness, the employee will not be required to work for any part of the leave period charged against the employee's account.

### **3.10 Absence for Religious Observance**

It is NASA's policy to allow its employees to observe the various established religious holy days of their faith, for example, Good Friday or Yom Kippur. If an employee's religious beliefs require absence from work during certain periods of time, that employee shall have the option to work compensatory overtime for the purpose of taking time off without charge to leave (see 5 CFR 550.1001 et seq.).

### **3.11 Leave Accounting**

Accounting for leave taken will be in increments of .25 hour.

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